



**IDAHO  
POWER**

An IDACORP Company

IDAHO POWER COMPANY  
P.O. BOX 70  
BOISE, IDAHO 83707

**LARRY D. RIPLEY**  
Senior Attorney

October 2, 2002

Ms. Jean D. Jewell, Secretary  
Idaho Public Utilities Commission  
472 West Washington Street  
P. O. Box 83720  
Boise, Idaho 83720-0074

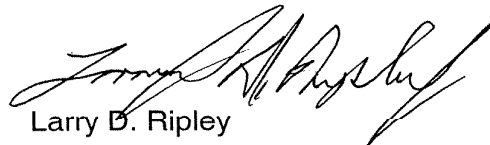
Re: Case No. IPC-E-01-34  
Idaho Power Company's Notice of Appeal

Dear Ms. Jewell:

Please find enclosed for filing an original and seven (7) copies of Idaho Power's Notice of Appeal regarding the above-entitled case. Also enclosed is Idaho Power's check made payable to the Secretary of the Commission in the amount \$100.00, which represents the estimated fee for preparation of the Secretary's record in this appeal. A check in the amount of \$86.00 made payable to the Clerk of the Supreme Court is also enclosed for transmittal to the Supreme Court.

I would appreciate it if you would return a stamped copy of this transmittal letter for our files.

Very truly yours,



Larry D. Ripley

LDR:jb  
Enclosures

LARRY D. RIPLEY ISB #965  
BARTON L. KLINE ISB #1526  
Idaho Power Company  
P.O. Box 70  
Boise, Idaho 83707  
Phone: (208) 388-2674  
FAX: (208) 388-6936

Attorney for Idaho Power Company

Express Mail Address

1221 West Idaho Street  
Boise, Idaho 83702

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION	)	
OF IDAHO POWER COMPANY FOR AN	)	CASE NO. IPC-E-01-34
ORDER APPROVING THE COSTS TO BE	)	
INCLUDED IN THE 2002/2003 PCA YEAR	)	NOTICE OF APPEAL
FOR THE IRRIGATION LOAD REDUCTION	)	
PROGRAM AND ASTARIS LOAD	)	
REDUCTION AGREEMENT	)	
_____	)	

APPELLANT: IDAHO POWER COMPANY

RESPONDENT: IDAHO PUBLIC UTILITIES COMMISSION

TO: THE ABOVE-NAMED RESPONDENT, IDAHO PUBLIC UTILITIES COMMISSION, AND ITS ATTORNEY, JOHN R. HAMMOND, DEPUTY ATTORNEY GENERAL, STATE OF IDAHO, 472 W. WASHINGTON STREET, P.O. BOX 83720, BOISE, IDAHO 83702-5983; THE SECRETARY OF THE IDAHO PUBLIC UTILITIES COMMISSION; RANDALL C. BUDGE, RACINE, OLSON, NYE, BUDGE & BAILEY, CHARTED, ATTORNEYS FOR IDAHO IRRIGATION PUMPERS ASSOCIATION, INC.; AND CONLEY E. WARD, GIVENS, PURSLEY, LLP, ATTORNEYS FOR ASTARIS LLC

NOTICE IS HEREBY GIVEN THAT:

1. Appellant, Idaho Power Company ("Idaho Power" or "the Company"), appeals against Respondent, Idaho Public Utilities Commission ("Commission"), to the Idaho Supreme Court from Order No. 28992, entered by the Commission in the above-entitled proceeding on the 15th day of April, 2002, President Paul Kjellander, Commissioner Dennis S. Hansen, and Commissioner Marsha H. Smith presiding; and from Order No. 29103, entered by the Commission in the above-entitled proceeding on the 29th day of August, 2002, President Paul Kjellander, Commissioner Dennis S. Hansen, and Commissioner Marsha H. Smith presiding.

2. Appellant has the right to appeal to the Idaho Supreme Court, and the orders described in Paragraph 1 are appealable orders pursuant to I.A.R. 11(e) and IDAPA 31.01.01.341.

3. Preliminary Statement of the Issues on Appeal:

- (a) The denial of the recovery of reduced/lost revenues in the Irrigation Load Reduction Program is unreasonable, unlawful, erroneous, unduly discriminatory, and not in conformity with the facts of record and/or the applicable law and results in confiscation, and ultimately rates which are confiscatory.
- (b) Commission Order No. 28992 is not in conformity with the facts of record set forth in Case No. IPC-E-01-3 or the Orders issued in Case No. IPC-E-01-3, specifically Order No. 28699, which authorized the recovery of reduced/lost revenues in the Irrigation Load Reduction Program.

- (c) Order No. 28992 issued in this proceeding is a collateral attack on Order No. 28699 which authorized the recovery of reduced or lost revenues.
- (d) Commission Order No. 28992, which requires the implementation of programs, including Demand-Side Management programs, without recovery of all costs, including revenues which are lost or reduced as a result of the implementation of a particular program, is unreasonable, unlawful and confiscatory.

4. Reporter's Transcript: Since this matter was processed without an evidentiary hearing, i.e., under modified procedure, there is no reporter's transcript in Case No. IPC-E-01-34.

5. Additional Documents: Appellant requests the following documents in Case No. IPC-E-01-34 be included in the agency's record in addition to those automatically included under I.A.R. 28:

- (a) Idaho Power Company's Application with Attachments 1 and 2, including testimony and exhibits of Maggie Brilz and Darrell Tomlinson (10/18/01).
- (b) Corrected Exhibit filing dated 10/25/01.
- (c) Notice of Application/Notice of Modified Procedure No. 28893 (11/9/01).
- (d) Comments of Idaho Irrigation Pumpers Association, Inc. (11/28/01).
- (e) Comments of Commission Staff (11/30/01).
- (f) Application For Intervenor Funding of Idaho Irrigation Pumpers Association, Inc. (12/6/01).
- (g) Astaris LLC Comments (12/20/01).

- (h) Response of Idaho Power Company to Comments (12/28/01).
- (i) Supplemental Filing (3/1/02).
- (j) Final Order No. 28992 (4/15/02).
- (k) Compliance Filing Per Order No. 28992 (4/15/02).
- (l) Errata to Order No. 28992 (4/18/02).
- (m) Petition For Reconsideration (5/2/02).
- (n) Order No. 29040 (5/30/02).
- (o) Final Order on Reconsideration No. 29103 (8/29/02).
- (p) Idaho Power's Motion For Stay of Commission Order Nos. 28992 and 29103 relating to reduced/lost revenues from the Irrigation Load Reduction Program (10/1/02).
- (q) All orders and other pleadings relating to Idaho Power's Motion For Stay of Commission Order Nos. 28992 and 29103 relating to reduced/lost revenues from the Irrigation Load Reduction Program.

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Appellant also requests that the following documents from Case No. IPC-E-01-3 be included in the agency's record in this proceeding.

- (a) Appellant requests the entire reporter's transcript, as defined in I.A.R. 25(a), that was prepared in Case No. IPC-E-01-3.
- (b) All exhibits admitted into evidence in Case No. IPC-E-01-3.
- (c) Idaho Power Company's Application requesting authority to conduct a program to solicit competitive offers from its irrigation customers to reduce their electrical demand and associated consumption of electrical energy during the 2001 growing season (2/7/01).
- (d) Comments of Idaho Irrigation Pumpers Association (2/14/01).
- (e) Order No. 28647 (2/20/01) issued in Case No. IPC-E-01-3.
- (f) Comments of Astaris, LLC (2/27/01).

- (g) Comments of the Land and Water Fund of the Rockies; Case No. IPC-E-01-3, Case No. IPC-E-01-4 (2/28/01).
- (h) Comments of Industrial Customers of Idaho Power (2/28/01).
- (i) Comments of the J.R. Simplot Company (2/28/01).
- (j) Protest, Position Statement, Comments and Requests for Relief of Jeffrey C. Brooks (2/28/01).
- (k) Notice of Hearing/Order No. 28660 (3/5/01).
- (l) Idaho Power Company's Request for Authority to Accept Bids (3/7/01).
- (m) Comments of Commission Staff (3/12/01).
- (n) Farm Development Corporation Comments; Case No. IPC-E-01-3, Case No. IPC-E-01-4 (3/13/01).
- (o) Interlocutory Order No. 28676 (3/14/01).
- (p) Application for Intervenor funding of Idaho Irrigation Pumpers Association, Inc. (3/21/01).
- (q) Idaho Power Company's Response to Application for Intervenor Funding of Idaho Irrigation Pumpers Association, Inc. (4/3/01).
- (r) Order No. 28699 (5/25/01).

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Appellant requests that the following documents from Case Nos. IPC-E-02-2 and IPC-E-02-3 be included in the agency's record in this proceeding.

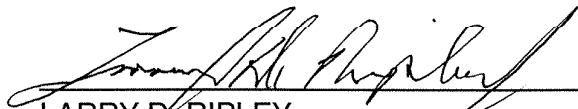
- (a) Final Order No. 29026 (5/13/02) issued in Case Nos. IPC-E-02-2 and IPC-E-02-3.
- (b) Errata to Order No. 29026 (5/20/02) issued in Case Nos. IPC-E-02-2 and IPC-E-02-3.
- (c) Idaho Power's Petition For Clarification (5/20/02).

- (d) Order No. 29041 issued in Case Nos. IPC-E-02-2 and IPC-E-02-3 (5/30/02).
- (e) Order No. 29065 issued in Case Nos. IPC-E-02-2 and IPC-E-02-3 (6/28/02).
- (f) Erratum to Order No. 29065 Appendix No. 1 issued in Case Nos. IPC-E-02-2 and IPC-E-02-3 (7/3/02).

6. I certify:

- (a) That a copy of this notice of appeal has been served on the reporter that transcribed the proceedings in Case No. IPC-E-01-3.
- (b) That the estimated fee for preparation of the reporter's transcript in Case No. IPC-E-01-3 in the amount of \$624 has been paid to the reporter.
- (c) That the estimated fee for preparation of the Secretary's record in the amount of \$100.00 has been paid to the Secretary and any additional amount shall be immediately paid.
- (d) That the appellate filing fee has been paid.
- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20.

DATED at Boise, Idaho, this 2nd day of October, 2002.

  
LARRY D. RIPLEY  
Attorney for Appellant Idaho Power Company

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2002, I served a true and correct copy of the within and foregoing NOTICE OF APPEAL upon the following named parties by the method indicated below, and addressed to the following:

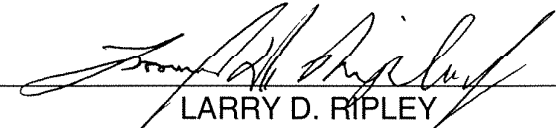
John Hammond	<u>  x  </u>	Hand Delivered
Deputy Attorney General	<u>      </u>	U.S. Mail
Idaho Public Utilities Commission	<u>      </u>	Overnight Mail
472 W. Washington Street	<u>      </u>	FAX
P.O. Box 83720		
Boise, Idaho 83720-0074		

Randall C. Budge	<u>      </u>	Hand Delivered
Racine, Olson, Nye, Budge & Bailey	<u>  x  </u>	U.S. Mail
P.O. Box 1391	<u>      </u>	Overnight Mail
201 E. Center	<u>      </u>	FAX
Pocatello, Idaho 83204-1391		

Anthony Yankel	<u>      </u>	Hand Delivered
29814 Lake Road	<u>  x  </u>	U.S. Mail
Bay Village, Ohio 44140	<u>      </u>	Overnight Mail
	<u>      </u>	FAX

Conley E. Ward	<u>      </u>	Hand Delivered
Givens, Pursley LLP	<u>  x  </u>	U.S. Mail
277 North 6th Street, Suite 200	<u>      </u>	Overnight Mail
P. O. Box 2720	<u>      </u>	FAX
Boise, Idaho 83701-2720		

Alan W. Seder	<u>      </u>	Hand Delivered
Astaris LLC	<u>  x  </u>	U.S. Mail
622 Emerson Road, 5th Floor	<u>      </u>	Overnight Mail
St. Louis, Missouri 63141	<u>      </u>	FAX

  
LARRY D. RIPLEY

CERTIFICATE OF SERVICE